

**8450. Adulteration and misbranding of sauerkraut. U. S. v. 100 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 14628. Sample No. 83186-F.)**

**LABEL FILED:** December 5, 1944, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 14, 1944, by H. M. Fields, Inc., from Brooklyn, N. Y.

**PRODUCT:** 100 cases, each containing 12 1-quart jars, of sauerkraut at Newark, N. J.

**LABEL, IN PART:** "Field's Best \* \* \* Sauerkraut."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading since, because of the tendency of sauerkraut to disperse in the liquid packing medium, the jars appeared to be filled, whereas they were large enough to hold at least 20 percent more sauerkraut.

**DISPOSITION:** March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8451. Adulteration and misbranding of sauerkraut. U. S. v. 66 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 14627. Sample No. 83190-F.)**

**LABEL FILED:** December 6, 1944, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 3, 1944, by Becker & Bigman, from Brooklyn, N. Y.

**PRODUCT:** 66 cases, each containing 12 1-quart jars, of sauerkraut at Newark, N. J.

**LABEL, IN PART:** "Old Fashioned Sauerkraut."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading since, because of the tendency of sauerkraut to disperse in the liquid packing medium, the jars appeared to be filled, whereas they were large enough to hold at least 25 percent more sauerkraut.

**DISPOSITION:** March 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8452. Adulteration of frozen squash. U. S. v. 865 Cases of Frozen Squash. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15000. Sample No. 81164-F.)**

**LABEL FILED:** January 30, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about January 4, 1944, by the Sacramento Frosted Foods Co., from Sacramento, Calif.

**PRODUCT:** 865 cases, each containing 2 30-pound cans, of frozen squash at Seattle, Wash.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** April 24, 1945. The Finer Frosti-Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregating and sorting under the supervision of the Food and Drug Administration. The unfit portion was to be destroyed.

#### TOMATOES AND TOMATO PRODUCTS

**8453. Adulteration of canned tomatoes. U. S. v. 1,331 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14482. Sample No. 79117-F.)**

**LABEL FILED:** November 20, 1944, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 2, 1944, by Albert W. Sisk and Son, from Nassawadox, Va.

**PRODUCT:** 1,331 cases, each containing 24 1-pound 3-ounce cans, of tomatoes at Chicago, Ill.

**LABEL, IN PART:** "Douglas Brand Tomatoes \* \* \* Distributed By Northampton Canning Co. Nassawadox, Virginia."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** May 22, 1945. The Northampton Canning Co. and Otto H. Grosse, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use as animal feed.

**8454. Misbranding of canned tomatoes. U. S. v. 603 Cases of Canned Tomatoes (and 2 other seizure actions against canned tomatoes). Consent decrees of condemnation. Product ordered released under bond.** (F. D. C. Nos. 14418, 14419, 14434. Sample Nos. 89847-F, 89849-F, 89856-F, 90123-F, 90126-F.)

**LIBELS FILED:** Between November 17 and 24, 1944, Western District of Tennessee.

**ALLEGED SHIPMENT:** Between the approximate dates of September 6 and October 6, 1944, by the Riverside Canning Co., from Hickman, Ky.

**PRODUCT:** Tomatoes (24 cans to the case): 1,200 cases at Union City, Tenn.; 603 cases at Martin, Tenn.; and 350 cases at Trenton, Tenn. Examination showed that the cans contained less than the declared weight; that they contained excessive liquid and small particles in proportion to the large pieces of tomatoes; and that they were not filled to the capacity required by the regulations.

**LABEL, IN PART:** "Contents 1 lb. 3 ozs. Riverside Brand Hand packed Tomatoes."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (h) (1), it was substandard in quality because of low drained weight; and, Section 403 (h) (2), it fell below the standard of fill of container, since the cans were filled to less than 90 percent of the total capacity as determined by the method specified in the regulations. The article was not labeled to show that it fell below the standard.

**DISPOSITION:** December 14, 1944. The Riverside Canning Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

**8455. Misbranding of canned tomatoes. U. S. v. 200 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 14522. Sample No. 89866-F.)

**LIBEL, FILED:** On or about December 7, 1944, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about September 23, 1944, by Donelson and Poston, from Memphis, Tenn.

**PRODUCT:** 200 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at West Helena, Ark.

**LABEL, IN PART:** "Ridgely Brand Hand Packed Tomatoes."

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of excess peel and blemishes, and it was not labeled to show that it was substandard, as is required by the regulations.

**DISPOSITION:** February 17, 1945. Donelson and Poston, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**8456. Adulteration of tomato catsup. U. S. v. 80 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 14458. Sample No. 68767-F.)

**LIBEL FILED:** November 9, 1944, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about September 20, 1944, by the Morgan Packing Co., Austin, Ind.

**PRODUCT:** 80 cases, each containing 24 bottles, of tomato catsup at Owensboro, Ky.

**LABEL, IN PART:** "Columbus Brand Tomato Catsup \* \* \* Packed by Columbus Packing Co., Columbus, Ind."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.